

REMARKS

In view of the foregoing amendments and the following remarks, reconsideration and allowance are requested.

Status of Claims

Claims 1, 2, 5, 6, 11-14, and 30 stand rejected under 35 U.S.C. 102(e) in the Office Action as allegedly being anticipated by U.S. Patent No. 6,078,579 to Weingarten ("Weingarten"). These rejected claims have been cancelled or amended to obviate the rejections.

Claim 3 stand rejected under 35 U.S.C. 103(a) for allegedly being obvious over Weingarten in view of U.S. Patent No. 6,434,378 to Fougnyes ("Fougnyes"). The rejected Claim 3 has been amended to obviate the rejection.

Of the pending Claims 1-6, 8-30, Claims 4, 8-10 and 15-29 have allowable subject matter in the Office Action. Furthermore, Claims 6, 11, 14, 30 are hereby cancelled.

The remarks and amendments in this response place the remaining pending claims, Claims 1-3, 5, 12-13 in condition for allowance.

Claim 1

The amended Claim 1 is patentable since the cited prior art does not anticipate at least one feature of the claim. For instance, Weingarten does not anticipate the feature below:

"providing encryption capabilities, wherein providing the encryption capabilities comprise encrypting the audio signal using an encryption key."

The amendments to Claim 1 do not add new matter and are described in the application (page 2, lines 20-23; page 3, lines 1-7).

For a claim to be anticipated by the prior art under 35 U.S.C. § 102, a single prior art reference should disclose each element/feature of the claim under consideration. *Minnesota Mining and Mfg. Co. v. Johnson & Johnson Orthopedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992). Weingarten does not show or describe the amended feature.

Since Weingarten does not disclose the above feature, then Claim 1 should be allowed.

### Claim 3

Claim 3 is patentable because the cited prior art does not at least teach or suggest the combination of all of the features of the claim to those of ordinary skill in the art. For example, the suggested combined teaching of Weingarten and Fougny in the Office Action does not teach or suggest the combination of the feature below of:

"providing encryption capabilities, wherein providing the encryption capabilities comprise encrypting the audio signal using an encryption key."

The amendments to Claim 3 do not add new matter and are described in the application (page 2, line 20-23; page 3, lines 1-7; page 10, lines 3-17; page 19, lines 15-24; page 20, lines 1-19).

A 35 U.S.C. § 103 claim rejection requires a showing of some teaching, suggestion, or motivation in the prior art that supports the combination of features from the prior art references. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281 (Fed. Cir. 1985).

Weingarten and Fournies do not show the combined features of Claim 3. Moreover, Weingarten and Fournies do not teach or suggest the combination of the features of Claim 3. For any of these reasons, Claim 3 should be allowed.

Claims 12-13

The amended Claims 12-13 are patentable since the cited prior art does not anticipate at least one feature of the claim. For instance, Weingarten does not anticipate the feature below:

"providing encryption capabilities and authentication capabilities, wherein the encryption capabilities comprise a cryptographic key for encrypting and decrypting information."

The amendments to Claims 12-13 do not add new matter and are described in the application (page 2, lines 20-23; page 3, lines 1-19).

Since Weingarten does not disclose the above feature, the amendments to Claims 12-13 obviate the 35 U.S.C. 102 rejection. Therefore, Claims 12-13 should be allowed.

Dependent Claims 2 and 5

The remaining rejected dependent claims are allowable for the reason that the respective independent claim is allowable and for reciting allowable subject matter. Independent consideration and allowance of the dependent claims are respectfully requested.

Claim 2

For example, the amended, dependent Claim 2 is patentable since the cited prior art does not anticipate at least one feature of the claim. For instance, Weingarten does not anticipate the feature below:

"transferring a secret key across at least one of the network connections; and

allowing network users to converse across the first communication network while encrypting and decrypting audio signals for each user."

The amendments to Claim 2 do not add new matter and are described in the application (page 2, line 20-23; page 3, lines 1-7; page 10, lines 3-17; page 19, lines 15-24; page 20, lines 1-19).

Since Weingarten does not disclose the above feature, the amendments to Claim 2 obviates the 35 U.S.C. 102 rejection. Hence, Claim 2 should be allowed.

#### CONCLUSION

In view of the amendments and remarks, Applicants believe that all pending Claims 1-5, 8-10, 12-13, 15-29 are in condition for allowance and ask that those pending claims be allowed.

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence by the Applicants with other positions of the Examiner that have not been explicitly contested. Accordingly, Applicants' arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

Attached is a mark-up version of the changes being made by the current amendment.